

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

MARGARET E. AUSBURNE,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

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Case No. 4:04-CV-00078

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ORDER

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By: Jackson L. Kiser

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Senior United States District Judge

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Before me is the *Report and Recommendation* of the United States Magistrate Judge [10] and the Defendant's *Objections to the Magistrate's Report and Recommendation* [11]. For the reasons stated in the accompanying *Memorandum Opinion*, I hereby **adopt** the Magistrate Judge's *Report and Recommendation* and **overrule** the Defendant's *Objections*. The Commissioner's final decision denying the Plaintiff's claim for benefits is therefore **reversed**, and judgment is **granted** for the Plaintiff. This case is hereby **remanded** to the Commissioner for the sole purposes of calculating benefits and paying benefits to the Plaintiff, and this case is hereby **dismissed** from the docket of this Court.

The Clerk is directed to send certified copies of this *Order* and the accompanying *Memorandum Opinion* to all counsel of record.

Entered this 20th day of December, 2005.

s/Jackson L. Kiser

Senior United States District Judge